

Regular Session, 2009

HOUSE BILL NO. 905 (Substitute for House Bill No. 838 by Representative Landry)

BY REPRESENTATIVE LANDRY

AN ACT

To enact R.S. 46:1414.1, relative to child care facilities; to mandate the disclosure of recordation on the state central registry for owners, operators, current or prospective employees, and volunteers in child care facilities licensed by the department; to require any such persons to sign certain statements prior to and during employment, volunteering, ownership, or operation of or in a child care facility licensed by the department; to provide that falsification of such statements shall be a misdemeanor offense; to provide for penalties; to provide for a process of appeal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1414.1 is hereby enacted to read as follows:

§1414.1. Disclosure requirements; penalties

A. Any owner, operator, current or prospective employee, or volunteer of a child care facility licensed by the Department of Social Services shall report annually and at any time upon the request of the department on the state central registry disclosure form promulgated by the department whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect and he is the named perpetrator.

B. Any such current or prospective employee or volunteer of a child care facility licensed by the department shall submit the state central registry disclosure form to the owner or operator of the facility, who shall maintain the documents in accordance with current department licensing requirements. Any state central registry disclosure form that is maintained in a child care facility licensing file shall

1 be confidential and subject to the confidentiality provisions of R.S. 46:56(F)
2 pertaining to the investigations of abuse and neglect.

3 C. Any owner, operator, current or prospective employee, or volunteer
4 of a child care facility licensed by the department who knowingly falsifies the
5 information on the state central registry disclosure form shall be guilty of a
6 misdemeanor offense and shall be fined not more than five hundred dollars, or
7 imprisoned for not more than six months, or both.

8 D. Any owner, operator, current or prospective employee, or volunteer of a
9 child care facility licensed by the department who discloses that he is currently
10 recorded on the state central registry for a justified finding of abuse or neglect shall
11 be entitled to a risk assessment evaluation provided by the department to determine
12 that the individual does not pose a risk to children. Any such individual who is
13 determined to pose a risk to children shall have the right to file an appeal in
14 accordance with R.S. 49:992 of the Administrative Procedure Act. Any such
15 determination by the risk evaluation panel shall be kept on file at all times by the
16 department.

17 E. The department shall promulgate rules and regulations to implement this
18 Section. The rules and regulations shall include but not be limited to establishing
19 criteria for risk evaluation requests, the composition of the risk evaluation panel, and
20 establishing criteria for risk evaluation determinations.

21 Section 2. This Act shall become effective on January 1, 2010.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____